

REMARKS

This is in response to the Office Action mailed on December 20, 2003, and the references cited therewith.

Claims 10 and 26 are amended, no claims are canceled, and claims 38 through 43 are added; as a result, claims 10 through 43 are now pending in this application.

Applicants' Summary of April 2, 2004 Interview

Applicant's undersigned attorney much appreciates the courtesies extended him in the course of the interview conducted at the office of Examiner Nguyen. Applicants believe that the Examiner's Interview Summary is complete and accurate. Applicants have amended claims 10 and 26 in the application to conform them to the proposed amended claims discussed in the interview. Claims 38 through 43 were added to more completely claim Applicants' invention.

§103 Rejection of the Claims

Claims 10-11, 16-21, 26-28 and 30-34 were rejected under 35 USC § 103(a) as being unpatentable over Tucker et al (5,614,312) in view of Osada et al (5,507,633), or of Osada ('633) in view of Tucker et al ('312).

In the interest of expediting the completion of the prosecution of this application¹, Applicants have amended the independent claims to conform them to the draft claims which were discussed in the Interview of April 2, 2004.

As the Examiner agreed during the Interview, the amended claims "seem to be different from the prior art of record."

Support for the amendments to claims 10 and 26 is in the patent specification at pages 11 and 12. All of the new claims find support in the patent specification and drawings generally. Claims 38 and 41 are supported specifically at page 11, lines 11 – 13. Claims 39 and 42 are specifically supported at page 11, line 13. Claims 40 and 43 are specifically supported at page 11, lines 17 – 18.

¹ Applicant does not concede that the Office Action met the requirements for combining the two cited patents Applicants reserve the right to further challenge the combination of cited patents to reject the unamended claims in a further application during the pendency of the present application.

An exemplary difference between the amended claims and the art of record is that Tucker et al shows a mold where the molding material covers the 10.5 inch by 10.5 inch mold cavity prior to compression. In Applicants' amended claims, the preform billet has a "limited cross-sectional area" relative to the area of the mold cavity (claim 26) or has an area which is "only a fraction of" the area of the mold cavity portions (claim 10). Since Osada pertains to a machine for performing the compression of a pellet outside of the molding cavity and injection of the molten material into the cavity, it does not show what is missing from Tucker et al as to the exemplary limitation. Reconsideration and allowance of the claims, as amended is respectfully requested.

Conclusion

Applicant respectfully submits that the claims, as amended, are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6970 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date

April 7, 2004

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7 day of April, 2004.

Candis B. Buending

Name

Signature

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